

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**UNITED STATES OF AMERICA**

**PLAINTIFF**

**V.**

**CRIMINAL NO. 3:18-CR-59-CWR-FKB**

**KEVIN MCMAHAN**

**DEFENDANT**

**ORDER**

Before the Court is the *ore tenus* Motion of the Government. The Government requests additional time to treat Mr. McMahan at the Federal Medical Center in Springfield, MO (FMC). McMahan is currently in the custody of the Federal Bureau of Prisons. The Court, having considered the motion under 18 U.S.C. § 4241 (c) and (d) and based on the preponderance of the evidence presented in the request submitted by the FMC, finds that the defendant may become competent to stand trial with additional mental health treatment, as defined in 18 U.S.C. § 4241(d).

It is therefore ORDERED that pursuant to 18 U.S.C. § 4241(d), the defendant shall remain in the custody of the FMC for mental health treatment. The defendant shall be hospitalized for an additional four months to improve his mental condition.

It is further ORDERED that the director of the FMC will file a report at the end of the additional four months – as done previously in prior extension requests filed on April 23, 2019 and November 25, 2019 – describing McMahan’s mental health treatment during the four-month period and the director’s perspective on McMahan’s competency. Should the director determine that McMahan has recovered to the extent that he is able to understand the criminal proceedings against him and assist his counsel in his defense, the director shall promptly file a certificate to that effect with the Clerk of Court in accordance with 18 U.S.C. § 4241(e). Should the Court

determine – after review of the director’s report – “that the defendant’s mental condition has not so improved as to permit the proceedings to go forward,” the defendant will be subject to the provisions of 18 U.S.C. §§ 4246 and 4248. 18 U.S.C. § 4241(d).

**SO ORDERED**, this the 10th day of December, 2019.

s/ Carlton W. Reeves  
UNITED STATES DISTRICT JUDGE